IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5217 OF 2005

Dr. Ramchandra Vishnu Paranjape ..Petitioner.

Versus

Shri Jugalkishor Gupta & Ors. ..Respondents.

Mr. G.S. Godbole for the Petitioner.

CORAM : S. A. BOBDE, J.
DATED : 09TH AUGUST, 2005.

P.C.:

1. This writ petition is directed against the order below Exh. 62 in a civil suit No.38/1990, by which the petitioner's application for directing the respondent to produce the power of attorney, has been rejected. The impugned order is dated 28.07.2005.

2. Having heard the learned counsel for the petitioner, I am satisfied that the order does not suffer from any error of law apparent on its face in view of the fact that earlier the same prayer was made to the court by the application at Exh.48. Even the document that was sought to be produced, was the same power of attorney allegedly executed in favour of deceased Chaplabai by the plaintiff No.2 and her sister. There is no dispute that the said application was rejected and that the petitioner did not challenge

the said order, rejecting that application. In this view of the matter, I am not inclined to entertain this writ petition against the application that is again made, substantially for the same relief. However, the petitioner shall be at liberty to raise the plea before the trial court that an appropriate inference may be drawn in respect of non-production of the power of attorney.

3. Petition is dismissed.

9.8.05 (S.A.BOBDE,J.)

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